

Appl. No. : **10/795,765**
Filed : **March 8, 2004**

REMARKS

Claims 1, 2, and 4-23 remain pending in the present Application, Claims 1, 4-8, 11, 12, 16, and 19-21 having been amended. The claims set forth above include markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or [[double brackets]] and additions being underlined.

In response to the Office Action mailed August 22, 2007 Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

Claims 1, 2, 4-17, And 19-23 Fully Comply With The Requirements Of 35 U.S.C. § 112, First Paragraph

Claims 1, 2, 4-17, and 19-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the present rejection.

Applicant understands that the Examiner's position is that the specification does not illustrate or disclose an embodiment in which both a mechanical remote device and an electrical remote device are "useable together" to control a marine drive. Rather, the Office Action indicates that the Specification only discloses that the electronic and mechanical embodiments are only useable alternatively, not together. Applicant respectfully disagrees with the Examiner. However, in order to expedite prosecution of the present Application, Applicant has amended Claims 1, 12, 16, 19, 20, and 21 to recite that the associated controller uses a mechanical input **or** an electronic input.

More specifically, Applicant has amended Claims 12, 16, 19, 20, and 21 to recite that the controller operated based on a mechanical **or** electronic input devices. As noted above, the Office Action admits that the Specification discloses that the use of the electronic and mechanical inputs "alternatively only." Office Action, page 3, part 5. Thus, Applicant believes the outstanding rejection of Claims 1, 2, 4-17, and 19-21 is moot.

With regard to Claims 1 and 22, Applicant would like to note that Claim 1 has been amended to recite "a signal generator configured to convert physical movement to a first command signal and to output the first command signal to the control device, the signal generator being configured to be mechanically connectable to a mechanical remote control device such that physical movement of the remote control device causes physical movement of a part of

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the signal generator, the control device also being configured to be connectable to an electronic remote control device having a second signal generator configured to detect movement of a remote control lever and to output a second command signal, the control device controlling the actuator based upon at least one of the first command signal and a second command signal from the electronic remote device.”

Thus, Claim 1 does not require that both electronic and mechanical remote control devices are **connected** to the control device. Additionally, Claim 1 does not require that the control device actually control an actuator based on both electronic and mechanical input. Rather, Claim 1 covers either and is broad enough to cover a system that uses both.

With regard to Claim 22, Applicant would like to note that Claim 22 does not recite that the electronic and mechanical input devices are used together. Rather, Claim 22 recites “controlling an actuator that actuates a change element based upon at least one of first and second command signals.”

Applicant thus submits that Claims 1, 2, 4–17, and 19–23 fully comply with the requirement of 35 U.S.C. § 112, first paragraph.

CONCLUSION

The undersigned has made a good faith effort to response to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant’s attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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